

AMENDED IN ASSEMBLY MARCH 17, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 651

Introduced by Assembly Member Cooper

February 24, 2015

An act to add ~~Sections 3253.5 and~~ Section 3303.5 to the Government Code, relating to public employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 651, as amended, Cooper. Public safety ~~officers and firefighters:~~ *officers*: investigations and interviews.

The ~~Firefighters Procedural Bill of Rights Act and the Public Safety Officers Procedural Bill of Rights Act~~ *grant grants* certain rights to ~~firefighters and~~ public safety officers, as defined. The ~~acts require~~ *act requires* that, when a ~~firefighter or~~ public safety officer is under investigation and is interrogated by his or her commanding officer, or another member of the employing agency, on matters than that could lead to punitive action, the interrogation be conducted under certain conditions. Upon the filing of a formal written statement of charges or when an interrogation focuses on matters ~~that, in the case of a firefighter,~~ *that* may result in punitive action or, in the case of a public safety officer, *that* are likely to result in punitive action, the ~~acts grant the firefighter or~~ *act grants a* public safety officer a right to be represented by a person of his or her choice, except as specified, who may be present at all times during the interrogation. The ~~acts prohibit~~ *act prohibits* requiring the representative to make certain disclosures or subjecting the representative to punitive action for refusing to make those disclosures.

This bill would authorize an employing public agency to grant the right of representation, described above, to a ~~firefighter or~~ public safety

officer if an interview regarding the investigation of another firefighter or public safety officer focuses on matters that may, or are likely to, may result in punitive action against the firefighter or officer who is not formally under investigation.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 3253.5 is added to the Government Code,~~
2 ~~to read:~~

3 ~~3253.5. If an investigation to which Section 3253 applies~~
4 ~~focuses on matters that may result in punitive action against a~~
5 ~~firefighter who is not formally under investigation but is~~
6 ~~interviewed regarding the investigation of another firefighter, a~~
7 ~~public agency may grant the firefighter being interviewed the right~~
8 ~~to be represented by a representative of his or her choice. If this~~
9 ~~right is granted, the firefighter may choose a representative who~~
10 ~~is reasonably available to represent the firefighter at an interview~~
11 ~~that has been reasonably scheduled and the representative shall be~~
12 ~~permitted to be present at all times during the interview. The~~
13 ~~representative shall not be a person subject to the same~~
14 ~~investigation. The representative shall not be required to disclose,~~
15 ~~or be subject to punitive action for refusing to disclose, any~~
16 ~~information received from the firefighter being interviewed as part~~
17 ~~of the investigation for noncriminal matters.~~

18 ~~SEC. 2.~~

19 ~~SECTION 1. Section 3303.5 is added to the Government Code,~~
20 ~~to read:~~

21 ~~3303.5. (a) If an investigation to which Section 3303 applies~~
22 ~~focuses on matters that are likely to may result in punitive action~~
23 ~~against a public safety officer who is not formally under~~
24 ~~investigation but is interviewed regarding the investigation of~~
25 ~~another public safety officer, a public agency may grant the public~~
26 ~~safety officer being interviewed the right to be represented by a~~
27 ~~representative of his or her choice. If this right is granted, the public~~
28 ~~safety officer may choose a representative who is reasonably~~
29 ~~available to represent the public safety officer at an interview that~~
30 ~~has been reasonably scheduled and the representative shall be~~
31 ~~permitted to be present at all times during the interview. The~~

1 representative shall not be a person subject to the same
2 investigation. The representative shall not be required to disclose,
3 or be subject to punitive action for refusing to disclose, any
4 information received from the public safety officer being
5 interviewed as part of the investigation for noncriminal matters.

6 *(b) This section shall not be construed to impair any right or*
7 *privilege established pursuant to a memorandum of understanding*
8 *between a public agency and a recognized bargaining unit or limit*
9 *the ability to negotiate and agree to a higher standard of rights*
10 *or privileges.*